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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,295	06/25/2003	Steven W. Smith	0001-0004	3243

7590 08/05/2004

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT PAPER NUMBER

3727

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,295

Applicant(s)

SMITH, STEVEN W.

Examiner

Stephen J. Castellano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yaniv.

Yaniv discloses an upright multi-sectioned jar or vase in Fig. 1-5 with a screw thread connecting means. The container comprises a bottom section (end cap 24), two upper sections (each section having a bottle segment 12 and a connector ring 46) and a lid (nipple 70, connector ring 72 and neck member 58).

Claims 1, 2, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Draddy.

Draddy discloses an upright multi-sectioned jar or vase in Fig. 1-3 with a screw thread connecting means. The container comprises a bottom section (11), an upper section (13 and 17) and a lid.

Claims 1, 3, 4, 6, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Neely.

Neely discloses a multi-sectioned jar and vase with a snapping mechanism connecting means with a seal 92.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaniv and Draddy in view of Neely, Benesch, Meyers and Kwon.

Yaniv and Draddy disclose the invention except for the snapping mechanisms and the square configuration. Snapping mechanisms are well known for locking sections of a multi-part container together. Neely and Benesch teach snapping mechanisms. It would have been obvious to replace the screw connection with a snapping mechanism to provide positive confirmation the sections and lids are locked together. Watertight seals are well known for multi-sectioned containers. It would have been obvious to modify all the joints that connect sections and lids to have watertight seals to prevent the egress or ingress of fluid through the joints of the section to section joints or section to lid joints, respectively. Meyers and Kwon disclose square shaped sections. It would have been obvious to modify the rectangular configuration to be square as a matter of design choice and personal preference as there is little criticality of the shape as the present invention contemplates various number of sides and different polygons.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely.

This rejection is made in the event that these references do not show the water proof seal in the connecting means.

Watertight seals are well known for multi-sectioned containers. It would have been obvious to modify all the joints that connect sections and lids to have watertight seals to prevent the egress or ingress of fluid through the joints of the section to section joints or section to lid joints, respectively.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely in view of Meyers or Kwon.

Neely discloses an approximately square configuration, however this configuration is not a square. Meyers and Kwon disclose square shaped sections. It would have been obvious to modify the rectangular configuration to be square as a matter of design choice and personal preference as there is little criticality of the shape as the present invention contemplates various number of sides and different polygons.

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Draddy in view of Yaniv.

Draddy discloses the invention except for the second tubular section. Yaniv teaches a second tubular section identical to the first (see Fig. 3 and 4). It would have been obvious to add a second identical section to store more food and to make storage more space efficient since the taller stature would allow more food to be stored with no more shelf area being covered.

Applicant's arguments with respect to claims 1-4, 6, 9 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035.

The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc